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DATE FILED: 9/5/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NICHOLAS FRANCHILLI,

Plaintiff,

-against-

ALBERT EINSTEIN COLLEGE OF
MEDICINE, MONTEFIORE HEALTH
SYSTEMS, INC., MONTEFIORE
MEDICAL CENTER,

Defendants.

**NOTICE OF MOTION TO DISMISS
THE COMPLAINT**

Civil Action No. 7:23-CV-4940 (NSR)

ORIGINAL FILED BY ECF

PLEASE TAKE NOTICE, that upon the Complaint filed herein, the accompanying Memorandum of Law in Support of the Defendant's Motion to Dismiss the Complaint, and all other proceedings and filings herein, the undersigned, on behalf of Defendants ALBERT EINSTEIN COLLEGE OF MEDICINE, MONTEFIORE HEALTH SYSTEMS, INC., and MONTEFIORE MEDICAL CENTER will move this Court before the Honorable Nelson S. Román, in accordance with the Court's Individual Practices, at the United States District Courthouse for the Southern District of New York located at 300 Quarropas Street, White Plains, New York for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Complaint with prejudice, and for such further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that papers opposing this motion are to be served on or before September 22, 2023, and reply papers are to be served on or before October 6, 2023.

MEMO ENDORSED

Dated: September 1, 2023
New York, New York

/s/ Jean L. Schmidt


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Attorneys for Defendant

The Court is in receipt of Defendants' Motion to Dismiss at ECF No. 11. Defendants' motion is DENIED without prejudice to renew in accordance with the Court's Individual Practices in Civil Cases Rule 3(A)(ii). The Clerk of Court is respectfully directed to terminate the motion at ECF No. 11.

Dated: September 5, 2023
White Plains, NY

SO ORDERED:



HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE